

Exhibit 2

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Nicholas N. Paul in Support of Plaintiffs' Motion for Summary
Judgment as to Defendant Dey

CAUSE NO. GV002327

THE STATE OF TEXAS)	IN THE DISTRICT COURT
ex rel.)	
VEN-A-CARE OF THE)	
FLORIDA KEYS, INC.)	
)	
Plaintiffs,)	
)	
VS.)	TRAVIS COUNTY, TEXAS
)	
DEY, INC.; ROXANE)	
LABORATORIES, INC. and)	
WARRICK PHARMACEUTICALS)	
CORPORATION,)	
)	
Defendants.)	53rd JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF
ROBERT FRANCIS MOZAK
November 1, 2001

ORAL DEPOSITION OF ROBERT FRANCIS MOZAK,
produced as a witness at the instance of the Plaintiffs
and duly sworn, was taken in the above-styled and
numbered cause on the 1st day of November 2001, from
9:12 a.m. to 4:57 p.m., before Randall N. Finch, CSR in
and for the State of Texas, reported by machine
shorthand, at the offices of Coudert Brothers, 600
Beach Street, Third Floor, San Francisco, California
94109, pursuant to Notice, the Texas Rules of Civil
Procedure and the provisions as previously set forth.

1 purposes?

2 A. Well, we have a policy that any new product
3 that is launched would be reported to the government
4 agencies.

5 Q. And who is the author of that policy?

6 A. Well, let me qualify that: It's not -- it's
7 not a written policy, it's just a procedure that we
8 would follow in terms of introducing any new product.
9 So it's part of a standard introductory program for any
10 new product. It's usually -- it's usually conducted in
11 the marketing department.

12 Q. I understand that -- that you have a policy
13 that prices are reported. My specific question is:
14 Who decides which prices are reported?

15 A. The prices that we would report are -- are WAC
16 price and our AWP price. Those are the prices we
17 report.

18 Q. I understand that. My question is: Who
19 decides the numeric value of the WAC and AWP prices
20 that you report?

21 A. Oh, the numeric value. Okay. That's usually
22 finalized by myself.

23 Q. So is it fair to say, then, that you are the
24 person, based upon inputs from your staff, who selects
25 the WAC and the AWP?

1 A. Yes.

2 Q. Do you also direct your staff to report the
3 WAC and the AWP to the Texas VDP?

4 A. Yes.

5 Q. We asked Mr. Rice some questions about Exhibit
6 70, and one of the questions I asked him was whether
7 the individuals who are listed under line E are members
8 of the pricing committee. So I ask that question to
9 you: Are those folks the pricing committee?

10 A. No, they are not.

11 Q. Who -- who are those folks in line E?

12 A. Well, some of -- one person is on that list,
13 but not the others.

14 Q. Who is the individual that's on the pricing
15 committee?

16 A. Russ -- Russell Johnston.

17 Q. Does the pricing committee still exist?

18 A. No, it does not exist.

19 Q. When did it cease to exist?

20 A. Approximately two years ago.

21 Q. Approximately 1999?

22 A. Yes.

23 Q. Why was -- tell me what the pricing committee
24 is, first of all, please.

25 A. The pricing committee were a group of